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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,726	03/30/2005	Terumasa Hoshino	123150	8996
25944	7590	07/28/2006	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			HA, NGUYEN Q	
			ART UNIT	PAPER NUMBER

2854

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/529,726

Applicant(s)

HOSHINO ET AL.

Examiner

Wynn Q. HA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/6/06, 4/12/05, 3/30/05, 3/2/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7 and 9-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Higuchi et al. (US 6,227,732 B1).

With respect to Claim 1, Higuchi teaches a sheet package 51A or 51B (figs. 1, 2, 8 & 9), which can be loaded in a sheet storage unit of a printer, comprising:

a stack of sheets 1 as print media for the printer; and

a package member 51 A (or 51B) covering the exterior of the stack of sheets 1, wherein:

the package member includes a first portion 51b (fig. 1) covering one of upper and lower faces of the stack of sheets, a second portion 51c connecting with the first portion and covering a side face of the stack of sheets, and a third portion 53 connecting with the second portion and covering the other of the upper and lower faces of the stack of sheets, and

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the first portion of the package member includes a first exposing portion 52 exposing part of the stack of sheets to allow entrance of a sheet feed roller of the printer, and

the package member includes a second exposing portion 59 exposing a side part of the stack of sheets facing a pressing member provided to a side wall of the sheet storage unit of the printer parallel to a sheet feed direction so that the pressing member can press the stack of sheets against a positioning portion provided to the opposite side wall of the sheet storage unit parallel to the sheet feed direction.

With respect to Claim 2, Higuchi teaches the sheet package according to claim 1 (as discussed above), wherein the second portion 51c covers a side face of the stack of sheets 1 on an upstream side in the sheet feed direction.

With respect to Claim 3, Higuchi teaches the sheet package according to claim 1 (as discussed above), wherein the sheets are heat-sensitive sheets (col. 1 second paragraph "photographic paper, i.e. sheets, according to a thermal transfer system using a thermal head").

With respect to Claim 4, Higuchi teaches the sheet package according to claim 1 (as discussed above), wherein a part of the package member covering the exterior of the stack of sheets consists of the first portion 51b, the second portion 51c and the third portion 53.

With respect to Claim 5, Higuchi teaches the sheet package according to claim 1 (as discussed above), wherein lengths of the first portion and the third portion of the package member in a direction orthogonal to the sheet feed direction are equal to a length of the sheet in the direction orthogonal to the sheet feed direction (figs. 8 & 9, col. 1 lines 65-67 "sheet package has an outer shape matched with the shape of the sheets").

With respect to Claim 7, Higuchi teaches all that is claimed (as discussed in claim 1 above).

With respect to Claim 9, Higuchi teaches a sheet package 51A (or 51B) which can be loaded in a sheet storage unit of a printer, comprising:

- a stack of sheets 1 as print media for the printer; and
- a package member covering the exterior of the stack of sheets, wherein:
 - the package member includes a first portion 51b covering one of upper and lower faces of the stack of sheets, a second portion 51c connecting with the first portion 51b and covering a side face of the stack of sheets on an upstream side in a sheet feed direction, and a third portion 53 connecting with the second portion and covering the other of the upper and lower faces of the stack of sheets 1, and

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the first portion 51b of the package member includes an identification part 57 readable to a sensor unit of a printer (col. 2 lines 35-38) and a configuration 52 allowing entrance of sheet feed roller of the printer, and

the third portion 53 has edge parts (opposite edges) on its upstream side and downstream side in the sheet feed direction, the edge parts being configured to make contact with inner surfaces of the sheet storage unit 2 on its upstream side and downstream side in the sheet feed direction respectively when the sheet package is loaded in the sheet storage unit, and the package member is positioned in the sheet feed direction by the contact of the edge parts of the third portion 53 with the inner surfaces of the sheet storage unit 3 (figs. 18A & 24 show the edges of member 53 -- of the sheet package 51A -- in contact with the inner surfaces of the sheet storage unit 2).

With respect to Claim 10, Higuchi teaches the sheet package according to claim 9 (as discussed above), wherein the first portion 51b is formed to be shorter than the top board 53 in the sheet feed direction in order to allow the entrance of the sheet feed roller (Note: Higuchi's sheet package can be used upside down where the printer has the sheet feed roller provided to the bottom of the sheet storage unit. In that case, the member 53 is the "top board" – See further discussion in claim 8 –).

With respect to Claim 11, Higuchi teaches the sheet package according to claim 9 (as discussed above), wherein a difference between a distance between

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the inner surfaces of the sheet storage unit on the upstream side and downstream side in the sheet feed direction and a dimension of the third portion 53 in the sheet feed direction is within 1.0 mm (figs. 18A & 24 show the edges of member 53 of sheet package 51A in contact with the inner surfaces of the sheet storage unit 2. That indicates the gaps between the member 53 and the inner surfaces of the sheet storage unit being less than 1.0 mm).

With respect to Claim 12, Higuchi teaches the sheet package according to claim 9 (as discussed above), wherein the sideboard 51c of the package member covers a side face of the stack of sheets on the upstream side in the sheet feed direction.

With respect to Claim 13, Higuchi teaches the sheet package according to claim 9 (as discussed above), wherein the second portion 51c of the package member covers a side face of the stack of sheets extending in the sheet feed direction.

With respect to Claim 14, Higuchi teaches the sheet package according to claim 9 (as discussed above), wherein the first portion 51b, the second portion 51c and the third portion 53 of the package member are formed integrally.

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With respect to Claim 15, Higuchi teaches a package member 51A (or 51B) covering the exterior of a stack of sheets 1 and being loadable in a sheet storage unit 2 of a printer, wherein:

the package member includes a first portion 51b covering one of upper and lower faces of the stack of sheets 1, a second portion 51c connecting with the first portion 51b and covering a side face of the stack of sheets 1 on an upstream side in a sheet feed direction, and a third portion 53 connecting with the second portion 51c and covering the other of the upper and lower faces of the stack of sheets, and

the first portion includes an identification part 57 readable to a sensor unit of the printer (col. 2 lines 35-38) and a configuration 52 allowing entrance of a sheet feed roller of the printer, and

the third portion 53 has edge parts (opposite edges) on its upstream side and downstream side in the sheet feed direction, the edge parts being configured to make contact with inner surfaces of the sheet storage unit 2 on its upstream side and downstream side in the sheet feed direction respectively when the sheet package is loaded in the sheet storage unit, and the package member is positioned in the sheet feed direction by the contact of the edge parts of the third portion 53 with the inner surfaces of the sheet storage unit 2 (figs. 18A & 24 show the edges of member 53 -- of the sheet package 51A -- in contact with the inner surfaces of the sheet storage unit 2).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US 6,563,525 B2) in view of Higuchi et al. (US 6,227,732 B1), and further in view of McCue, Jr. et al (US 6,364,553 B1).

With respect to Claim 8, Suzuki teaches in fig. 1 a printer comprising a sheet storage unit (sheet cassette 2) in which recording sheets P are loaded; a sheet feed roller 3 provided to a bottom of the sheet storage unit 2 for feeding the stacked sheets one by one; and the sheet storage unit includes a positioning portion (a side wall) provided to its one side wall parallel to a sheet feed direction. *Suzuki, however, does not teach the claimed sheet package and that the sheet storage unit (sheet cassette 2) includes a pressing member provided to one of the side walls parallel to the sheet feed direction being biased toward the opposite side wall.*

Higuchi teaches the claimed sheet package that can be loaded into a printer, as discussed in claims 1-5 above. Higuchi's sheet package 51A (or 51B) includes an identification part 57 readable to a sensor unit of the printer (col. 2 lines 10-55). Higuchi's sheet package "facilitates a sheet set work of

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setting sheets into a color printer or the like" (col. 1, lines 60-63), and is "to prevent the sheet package from being erroneously inserted into the printer" (Higuchi col. 2 lines 10-55). *Higuchi, however, does not teach the sheet storage unit including a pressing member provided to its one side wall parallel to the sheet feed direction being biased toward the opposite side wall.*

McCue, Jr. teaches a printer 20 including a greeting card feeder 50 that has biasing member 80 for pushing the card stock against an alignment surface. As shown in fig. 3 and discussed in col. 9 lines 7-33, "spring 85 serves to push arm 80 into engagement with the free side edge of the sheet of greeting card stock 62...to align the opposite edge of the card stock tightly against the alignment edge 86...use of the biasing arm 80 advantageously allows the greeting card feeder 50 to easily compensate for slight variations and differences in the widths of particular greeting card media."

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide Suzuki's printer with Higuchi's sheet package (to be placed upside down into the storage unit "sheet cassette 2") in order to facilitate a sheet set work of setting sheets into the printer and to prevent the sheet package from being erroneously inserted into the printer, as taught by Higuchi; and to further provide a pressing member mounted to one side wall of the sheet storage unit by the free side edge of the sheets being biased toward the opposite side wall, in order to align the sheets, as taught by McCue.

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With respect to Claim 16, Suzuki in view of Higuchi et al., and further in view of McCue, Jr. et al. teaches all that is claimed, including a sheet package, a sensor unit for identifying the type of the sheets stored in the package; and that the first portion 51b of the sheet package includes an identification part 57 readable to the sensor unit, in order to facilitate a sheet set work of setting sheets into the printer and to prevent the sheet package from being erroneously inserted into the printer, as discussed in claim 8 above.

Allowable Subject Matter

3. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The overall combination of structure as claimed, including a positioning cut made into the uncolored part to form a tab which can be engaged with the sensor of the printer, is not taught or suggested by the prior art of record.

Conclusion

4. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Sullivan (US 3,727,823)

Rosenberg, Jr. et al. (US 3,767,188)

Trask et al. (US 5,116,034)

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Yamamoto (US 5,137,269)

Maeda et al. (US 5,944,306)

Ishiduka et al. (US 6,217,019 B1)

Hirano et al. (US 6,246,466 B1)

Sasaki et al. (US 6,318,918 B1)

Sasaki et al. (US 6,357,739 B2)

Sasaki et al. (US 6,561,506 B2)

Prenn (US 6,598,795 B1)

Ohtsuka et al. (US 6,651,975 B2)

Cornelius (US 6,728,509 B2)

Ohtsuka et al. (US 2001/0011795 A1)

Koike Kiyoshi (Japan Pub. 05-193215)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wynn Q. HA whose telephone number is 571-272-2863. The examiner can normally be reached on Monday - Friday from 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NQH



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